

UNITED STATES DISTRICT COURT

for the

Western District of Texas

2020 FEB -7 AM 10:46

United States of America

v.

Horacio Garcia GUZMAN

Case No.

3:20-mj-0765-ATB

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 7, 2020 in the county of El Paso in the
Western District of Texas, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
-21 USC 841(a)(1)	-Possession with intent to distribute a controlled substance; to wit; 500 grams or more of a mixture of methamphetamine

This criminal complaint is based on these facts:

See attached Affidavit, which is marked Attachment "A", and which is incorporated by reference as if fully set out herein.

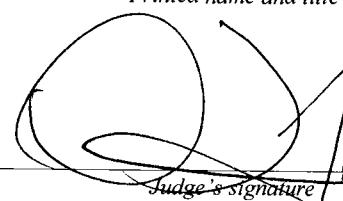
 Continued on the attached sheet.


Complainant's signature

Correy Brown, DEA Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 02/07/2020


Judge's signature

City and state: El Paso, Texas

Anne T. Berton, United States Magistrate Judge

Printed name and title

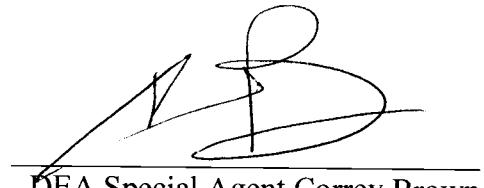
ATTACHMENT "A"

On February 6, 2020, at approximately 10:38 p.m., US Customs and Border Protection Officer (USCBPO) Lorenzo Chavez was working primary pedestrian lane number 12, at The Paso Del Norte Port of Entry El Paso, Texas. During an immigration inspection, USCBPO Chavez encountered an individual identified as Horacio Garcia GUZMAN, hereinafter referred to as Garcia GUZMAN who was attempting to enter the United States. At approximately 10:41 p.m., USCBPO Chavez conducted a search of Garcia GUZMAN's person at the approval of Supervisory USCBPO Nadia Varela, and witnessed by USCBPO Albert Sanchez. Prior to the search, USCBPO Chavez asked Garcia GUZMAN if he was demanded to do any type of favors for monetary gain or coerced to commit an illegal act, which Garcia GUZMAN confirmed to USCBPO Chavez that he was not. USCBPO Chavez began the search near the hamstring area of Garcia GUZMAN legs to which he felt a hard bulge. At that instance, USCBPO Chavez requested Garcia GUZMAN to pull down his pants to which he observed white gauze wrapped around both legs of Garcia GUZMAN. USCBPO Chavez then observed what appeared to be one bundle attached to both thighs of Garcia GUZMAN, which was also held in place by the gauze and tape. Then After, Garcia GUZMAN stated to officers that he did not know what was taped to his legs, and explained further that individuals taped the bundles onto his legs and demanded him to transport the bundles across the Mexico/United States border. USCBPO Chavez continued his search which resulted negative of other illegal contraband. The two bundles were then retrieved from Garcia GUZMAN's thighs and he was detained by officers. DEA Special Agents (SAs) Correy Brown was contacted and briefed on the investigation. SA Brown, SA Nicholas Barney and Intelligence Research Specialist (IRS) Marylou Carrillo, responded shortly after. The two (2) bundles, which were wrapped in black tape, weighed a total approximate weight of 1.44 kilograms. The bundles were also field tested by officers using the Gemini Testing Kit. Both bundles tested positive for methamphetamine.

On February 7, 2020, at approximately 2:10 a.m., SAs Brown, Barney and IRS Carrillo began the interview of Garcia GUZMAN. IRS Carrillo reviewed each of Garcia GUZMAN's rights with him in Spanish to which he voluntarily agreed verbally and in writing on a DEA Form 13(a) to speak with investigators. Garcia GUZMAN stated that he was acquired to pedestrianly attempt to enter the United States with the bundles that were taped to his thighs. Garcia GUZMAN stated that he was supposed to be paid \$800.00 for transporting the bundles across the Mexico/United States border. Further, Garcia GUZMAN stated that if successful, the plan was to transport a two more bundles of illegal drugs across the Mexico/United States border the following day. Garcia GUZMAN stated to investigators that he had successfully crossed bundles of illegal drugs on approximately seven (7) to ten (10) other occasions. Garcia GUZMAN stated to investigators that even though he believed he was transporting cocaine rather than methamphetamine, he was conscious of the fact that the act he was committing was illegal.

SA Barney presented the facts of the investigation to Assistant United States Attorney Michael Williams who accepted the case for prosecution in the Western District of Texas. SAs Brown and Barney transported Garcia GUZMAN to the El Paso County Detention Center to await his initial appearance.

Because this Affidavit is being submitted for the limited purpose of establishing probable cause as set forth herein, I have not included each and every fact known to me concerning this investigation. I state that the following information is based on information provided to me by other agents, and it is true and correct to the best of my knowledge and belief.



DEA Special Agent Correy Brown

SWORN to before me this
February 7, 2020

United States Magistrate Judge Anne T. Berton